FMB

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 25 AM 10:45
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose CARREON-Campos,** Defendant	Magistrate Docket No. **'08 MJ 1281** COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 24, 2008** within the Southern District of California, defendant, **Josue CARREON-Campos** , an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** **DAY OF APRIL, 2008.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Josue CARREON-Campos

PROBABLE CAUSE STATEMENT

On April 24, 2008, Border Patrol Agents assigned to the Anti Smuggling Unit were working in the Brown Field Station area of operations, in rural Jamul, California. and is notorious for smuggling activity after illegal aliens have circumvented the State Route 94 Border Patrol checkpoint. Agents were working in plain clothes and in unmarked bureau vehicles.

Agent E. Penagos was observing traffic near Japatul Valley Road and Lyons Valley Road in Jamul, California when he observed a black Ford Explorer traveling west on Japatul Valley Road and turn onto Lyons Valley Road with only the driver visible. Approximately ten minutes later, Agent Penagos observed the same black Ford Explorer traveling east on Lyons Valley Road and turned onto Japatul Valley Road heading eastbound. Agent Penagos noticed that it now had a front seat passenger. Agent Penagos advised the other Agents of his observations. Agent Penagos requested that a marked unit perform a vehicle stop for an immigration inspection. Agent D. Lamboy and J. Fearnehough responded and advised that they would be on the Lake Jennings on ramp to Interstate 8.

Agents Lamboy and Fearnehough advised Dispatch that they would be conducting a vehicle stop on the I-8 westbound lane near East Main Street. The Explorer did not yield. Agents Lamboy and Fearnehough terminated the pursuit. The Explorer continued at a high rate of speed and passing vehicles in the emergency lanes.

Agents were positioned further west and were able to observe the Explorers location. Agent Blas was able to observe the Explorer exit Jackson Avenue. Agent Blas observed the Explorer go north on Jackson Avenue and running a red light, while making a u-turn back south on Jackson Avenue. The Explorer again made a u-turn and turned into the Grossmount College Grove Shopping Center were two individuals bailed out of the Explorer and ran into the Wal Mart Store. Agents were able to apprehend both individuals in the store. Agents questioned both individuals as to their citizenship and nationality and both stated that they were citizens and nationals of Mexico with no proper documents to be or remain in the United States legally.

While Supervisory Border Patrol Agent M. Hansen and Agent Penagos were searching one of the individuals, later identified as the defendant, **Josue CARREON-Campos**, he gave an unsolicited statement that he was sorry for what he did but that he was scared to go back to Mexico and that he knew that he had put lives in danger. At approximately 9:45 am., the defendant and the other individual were transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on through **May 10, 2007.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without a lawyer present. The defendant also stated that he is a citizen and national of Mexico illegally present in the United States without proper immigration documents allowing him to enter or remain in the United States legally. He stated his intended destination was Oceanside, California.